

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO. 67 OF 2001
IN
SUIT NO. 1149 OF 1976

Indian Oil Corporation Ltd. ... Appellants
(Org. Defendants)

Versus

M/s. Swastik Petrochem & Auto
Industries & Ors. ... Respondents
(Org. Plaintiffs)

Mr. Mehta i/b. M/s. Malvi Ranchoddas & Co. for the
appellants.

None for the Respondents.

CORAM: D.K.DESHMUKJH &

J.H.BHATIA, J.

DATE: 28th September, 2007.

P.C.

1. This has reference to the Order dated 16th August, 2007. By that order, the Prothonotary & Senior Master was directed to invoke the bank guarantee which

the Respondents were to furnish on withdrawal of the amount pursuant to the order dated 25th September, 2001.

2. The Prothonotary has now submitted a report dated 27th September, 2007 which shows that though the Respondents were permitted to withdraw the amount on furnishing Bank Guarantee, the Respondents have not actually withdrawn the amount and the amount is lying in the High Court uninvested.

3. In this view of the matter, therefore, the order dated 16th August, 2007 is modified and the Appellants are permitted to withdraw the amount deposited by them and which, as per the report, is lying in the High Court.

4. Prothonotary to act on the authenticated copy of this order.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)